

WILLIAMSBURG BOARD OF ZONING APPEALS MINUTES

July 6, 2004

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, July 6, 2004 at 3:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Carr, Kafes, Knudson, White and Lamson. Staff members present were Zoning Administrator Murphy and Secretary Scott.

CALL TO ORDER, INTRODUCTION OF NEW MEMBER, and MINUTES

Chairman Knudson called the meeting to order. David Lamson was introduced as the newly-appointed BZA member. The minutes of the June 1, 2004 meeting were approved as corrected.

PUBLIC HEARINGS

BZA #04-004: Request of Nathaniel & Elizabeth Reid for a special exception from Section 21-896 of the Zoning Ordinance to construct a bathroom addition two feet from the side property line the same distance as the existing dwelling which is two feet instead of 10 feet as currently required by the Zoning Ordinance. The property is located at 506 South Boundary Street, Williamsburg Tax Map Number 495-(0A)-00-061 and is zoned Single Family Dwelling District RS-2. Approved.

Chairman Knudson introduced the request for a special exception and noted the following BZA members have visited the site:

Kafes, Carr, Knudson, Lamson, and White

Mrs. Knudson then asked for comments from the applicant.

Property owner Mrs. Reid and her representative Peter Smith, explained the need for a bathroom addition with a roll-in shower. Mrs. Reid is handicapped and currently must crawl upstairs in order to bathe.

Chairman Knudson opened the public hearing.

There being no comment the public hearing was closed.

On the motion of Mr. Kafes, seconded by Mr. Carr, which carried by a vote of 5-0, the following resolution to grant the special exception was adopted:

WHEREAS, **Nathaniel and Elizabeth Reid** have submitted application **BZA #04-004** requesting a special exception from Section 21-896 of the Zoning Ordinance to construct a bathroom addition two feet from the side property line the same distance as the existing dwelling which is two feet instead of ten feet as currently required by the Zoning Ordinance; and

WHEREAS, the property is located at 506 South Boundary Street, Williamsburg Tax Map Number 495-(0A)-00-061 and is zoned Single Family Dwelling District RS-2; and

WHEREAS, the City of Williamsburg Board of Zoning Appeal conducted a public hearing on this request on July 6, 2004; and

WHEREAS, after careful consideration of the pertinent issues subsequent to the public hearing, the Board has determined that:

1. A special exception is warranted because of conditions unique to the property, specifically, there is no bathroom on the first floor.
2. The strict application of the ordinance would produce undue hardship because due to recent illnesses, it is very difficult for owners to reach the facility on the second floor.
3. The granting of this special exception will not adversely affect adjacent property or the character of the district because it fulfills the requirements of Section 21-97(f)(2) of the Zoning Ordinance that states:
 - (a) It is designated, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property;
 - (b) It does not unreasonably impair an adequate supply of light and air to adjacent property;
 - (c) It does not increase public danger from fire or otherwise unreasonably restrict public safety;
 - (d) It does not impair the established property values in surrounding areas.
4. This situation is not of such a general or recurring nature that a general amendment of the ordinance would be appropriate.
5. The granting of this special exception will relieve a clearly demonstrable hardship approaching confiscation and does not grant a special privilege or convenience to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Williamsburg Board of Zoning Appeals on this the 6th day of July 2004 that the request of Nathaniel and Elizabeth Reid for a special exception to construct a bathroom addition two feet from the side property line the same distance as the existing

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dwelling which is two feet instead of ten feet as currently required by the Zoning Ordinance, **is hereby approved.**

Recorded vote on the motion:

Aye: Kafes, Carr, Knudson, White, Lamson
No: None
Absent: None

OLD BUSINESS - none

NEW BUSINESS

Election of Officers

Necessitated by Board member Mickey Chohany's election to City Council, the Board unanimously elected Mrs. White to serve as vice-chairman of the Board of Zoning Appeals and Mr. Kafes to serve as secretary.

Court Cases

Mrs. White suggested that in the future, as allowed by state statute, the Board go into executive session when discussing a court case. The Board agreed with Mrs. White's suggestion.

There being no further business the meeting adjourned at 3:13 p.m.

Respectfully submitted,

Judith Knudson, Chairman
Board of Zoning Appeals